

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: ABCON, Inc.

Petition No. 990514-053-006

CONSENT ORDER

WHEREAS, Mark Sergi, President and Owner of ABCON, Inc., a corporation organized under the laws of the State of Connecticut (hereinafter "respondent") has been issued license number 000186 to practice as an asbestos abatement contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. In or about April 1998, it was the licensed asbestos abatement contractor for an asbestos abatement project conducted in a facility located at 146 Silvermine Avenue, Norwalk, Connecticut (hereinafter "the facility"). The asbestos abatement project was conducted in connection with the renovation of a group facility operated by the State of Connecticut, Department of Mental Retardation.
2. On or about April 15, 1999, respondent, in connection with an asbestos abatement project conducted by respondent in the facility:
 - a. employed an individual as an asbestos abatement site supervisor and such individual had not been specifically trained as a supervisor in a training program approved by the Department;

- b. failed to record and/or maintain a log of control access to the work area in order to identify the time(s) each asbestos abatement worker entered and/or exited the work area;
 - c. failed to restrict work area access to authorized personnel afforded proper respiratory protection in that a Department inspector observed three workers in the work area who were not wearing their respirators;
 - d. failed to have a water supply in the work area for adequately wetting asbestos containing waste and/or all asbestos-containing material to be removed in that a Department inspector observed: (i) dry asbestos containing ceiling tiles in containers which had been loaded out of the work area, and (ii) asbestos abatement workers removing asbestos containing floor tiles without using any wetting techniques to prevent and/or minimize asbestos emissions while removing said tiles;
 - e. failed to have a water supply in the work area for cleaning up the work area following asbestos abatement;
 - f. failed to label containers holding asbestos waste with the information required under Section 19a-332a-5(k) of the Regulations, Connecticut State Agencies; and/or
 - g. failed to equip the work area with an adequate decontamination system in that there was no warm water being supplied to the shower room and a Department inspector observed asbestos abatement workers leaving the work area without decontaminating by showering, wet washing or using a high efficiency particulate air (HEPA) filtered vacuum to remove all asbestos debris.
3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-4(b)(7), 19a-332a-5(f), 19a-332a-5(g), 19a-332a-5(j),

19a-332a-5(k), 19a-332a-6, 19a-332a-7(a), 19a-332a-18(e) and/or 19a-332a-21 of the Regulations, Connecticut State Agencies.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 000186 to practice as an asbestos abatement contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of three thousand dollars (\$3,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective on the day it is approved and entered by the Department.
7. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Department in which his compliance with this Consent Order or with Chapter 400a of the General Statutes of Connecticut, as amended, is at issue.

8. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
10. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
11. Respondent has the right to consult with an attorney prior to signing this document.

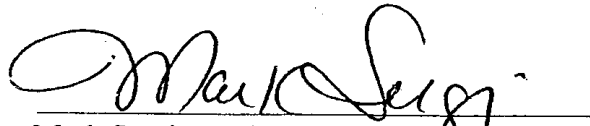
*

*

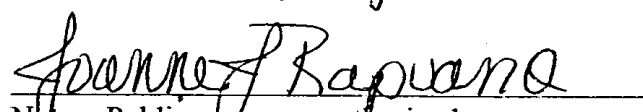
*

*

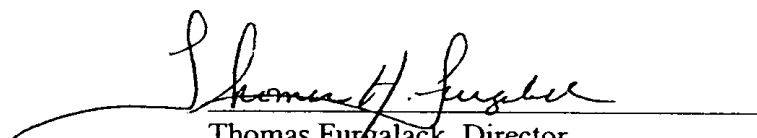
I, Mark Sergi, President and Owner of ABCON, Inc., have read the above Consent Order, and I affirm that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind ABCON, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Mark Sergi, President and Owner

Subscribed and sworn to before me this 29th day of July 1999.


Notary Public or person authorized
by law to administer an oath or affirmation
My Commission Exp. May 31, 2004

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 9th day of August 1999, it is hereby accepted.


Thomas Furgalack, Director
Division of Environmental Health

s:\lf\abcon.co
6/99